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Vatican: Bishops should follow civil laws on abuse

John Thavis Catholic News Service | Mar. 10, 2010

VATICAN CITY -- Vatican officials are concerned that the church's longstanding insistence on confidentiality in its treatment of priestly sexual abuse cases is being misinterpreted as a ban on reporting serious accusations to civil authorities.

As past episodes and accusations of abuse have come to light recently in Germany, Austria and the Netherlands, media attention has focused in part on what kind of guidance or instructions local bishops received from the Vatican on how to handle such cases.

An increasingly widespread impression -- and a mistaken one, Vatican officials say -- is that Pope Benedict XVI himself, when he headed the Vatican's doctrinal congregation, ordered bishops not to inform civil authorities about accusations of sexual abuse by priests.

The issue surfaced March 8 when Germany's justice minister, Sabine Leutheusser-Schnarrenberger, said that as Cardinal Joseph Ratzinger, the pope had in 2001 written a directive that said serious sex abuse cases "are not supposed to be divulged outside the church."

The minister's reference was to the 2001 document, "De delictis gravioribus" ("On more serious crimes"), which gave the Congregation for the Doctrine of the Faith juridical control over how the church handles cases of sexual abuse of minors by priests. It was seen inside the Vatican as an important tool in making sure perpetrators were discovered and brought to justice.

But much media attention has focused on the fact that the 2001 document said such cases were covered by "pontifical secret," which meant they would be handled in strict confidentiality. Critics saw that as a way for the church to hide accusations from civil authorities.

Vatican officials said it was important for people to know that the confidentiality imposed on the church's internal handling of abuse cases does not exempt bishops or others from reporting serious facts and accusations to civil authorities. They emphasized that the Vatican document dealt with how church law treats such cases, not as a substitute for civil law, which deals with the crime separately.

"The purpose of 'pontifical secret' here was to respect the rights of the accused and of the witnesses, including the victim, to confidentiality," said one informed Vatican official. He said civil law often has similar provisions to protect confidentiality when a potential crime is under investigation.

"But this is an ecclesiastical law. It does not affect the duty to obey civil law," he added.

The official said the Vatican has never given bishops directives against cooperation with competent civil authorities. On the contrary, he said, the Vatican expects local bishops to comply with laws that mandate reporting of sex abuse allegations.

For example, the U.S. bishops' norms on sexual abuse, which were revised and approved by the Vatican in 2002, stated clearly: "The diocese/eparchy will comply with all applicable civil laws with respect to the reporting of allegations of sexual abuse of minors to civil authorities and will cooperate in their investigation." In many cases, civil law mandates that church authorities report such allegations.

But even as the Vatican has made it clear that bishops are not above the law, it has not encouraged local bishops to act as volunteer reporting agents for the state every time an accusation of sexual abuse is made.

Cardinal Claudio Hummes, head of the Congregation for Clergy, said in a recent interview that instances of sexual abuse by priests were "criminal facts" as well as serious sins, and require cooperation with the civil justice system.

"Once the evil deed has been objectively proven, one must resolutely pursue (the case) to the very end by also turning to ordinary justice," he said.

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